

REMARKS

Claims 9-20 are in the case and presented for reconsideration.

Claim 21 has been cancelled without prejudice.

Claims 9 and 15 have been amended to delete elastomers from the additional materials blended with the ethylene methyl acrylate or ethylene n-butyl acrylate.

Rejections under 35 U.S.C. § 103

Claims 9, 10, 12, 13, 15, 16, 18 and 19 were rejected under 35 U.S.C. § 103 (a) as being obvious over Taft et al. (U.S. 3,849,353) in view of PCT 98/38376 or PCT 98/38375 and further in view of Ballard (U.S. 3,940,525) and further taken in view of McGraw-Hill Dictionary of Scientific and Technical Terms. Applicant submits that the amendment to claims 9 and 15 overcomes this rejection.

Applicants presently claimed invention is a method of making a carpet utilizing an adhesive consisting essentially of an ethylene methyl acrylate copolymer or a ethylene normal butyl acrylate copolymer and at least one distinct additional polymer as specified and does not include an elastomer. In preparing the carpet, the adhesive is extruded so as to adhere the bottom surface of the primary backing with the top surface of the secondary backing, and then continuously fusing together, using a two roll nip, the upper surface of the secondary backing and the bottom surface of the tufted primary backing.

Applicants submit that the combination of Taft in view of PCT '375 or PCT '376 and further in view of Ballard and taken with McGraw-Hill Dictionary of Scientific and Technical Terms would not teach or suggest the present invention.

Taft et al. discloses a hot melt adhesive that is useful as a backsizing for tufted carpets. The hot melt adhesive that is substantially free of wax consisting essentially of from about 5 to about 50 weight % of a copolymer of ethylene and vinyl acetate, and/or an alkyl acrylate; about 10 to 85 weight % of atactic polypropylene; and 10 to 50 weight % of vulcanized rubber. Taft et al. does not teach or suggest making a carpet composition utilizing an adhesive blend consisting essentially of ethylene methyl acrylate copolymer and a second polymer specified above, which does not include atactic polypropylene and vulcanized rubber as an elastomer.

The examiner maintains that since the Applicants use the linking term "consisting essentially of" the adhesive composition would not exclude materials that do not materially affect the basic and novel characteristics of the claimed composition, such as from 10 to 85 weight % atactic polypropylene. However, Applicants submit that the examiner is not fully appreciating the teaching of Taft. In column 3, lines 1-9, Taft et al. make it very clear that atactic polypropylene is a very necessary part of the Taft invention since the atactic polypropylene inclusion clearly affects the composition compatibility with conventional tackifiers, which are also used in Taft. Thus, including from 10 to 85 weight % of atactic polypropylene in an adhesive composition would substantially and materially alter the basic characteristics of the adhesive composition and would accordingly be omitted from the currently claimed invention.

Moreover, Applicants submit that PCT '375, PCT '376 and Ballard would not motivate one skilled in the art to modify Taft et al. to derive Applicants' present invention.

PCT '375 and PCT '376 disclose a carpet prepared by extrusion coating an adhesive composed of substantially linear ethylene polymers and homogeneously branched linear ethylene polymers onto the backside of carpets. The primary backing, adhesive and a non-woven scrim backing are pressed together between a nip roll and a chilled roll.

Ballard discloses a process for backsizing a tufted carpet. The primary backing is coated with an ethylene/vinyl ester copolymer based hot-melt adhesive, the adhesive coated primary backing is then contacted with a secondary backing and thereafter solidifying the adhesive. Ballard teaches that the improvement of his carpet composition is the use of a polymer film as the secondary backing. The polymer used as the secondary backing is selected from polyethylene, polypropylene and ethylene/vinyl acetate copolymers having a vinyl acetate content of up to about 18 weight %. The hot melt adhesives of Ballard are non-aqueous, solvent free and generally have about 10-90% by weight of an ethylene/vinyl acetate copolymer containing about 15-40% by weight vinyl acetate, about 10-90% by weight wax, preferably a petroleum derived or synthetic wax, and up to about 80% by weight of a thermoplastic resin such as rosin, rosin derivatives, coumarone-indene resins, terpene resins, terpene-phenolic resins, permanently fusible phenolic resins, and petroleum hydrocarbon resins.

The examiner candidly agrees that PCT '375, PCT '376 and Ballard do not overcome the deficiencies of Taft et al. with respect to the adhesive composition by acknowledging that these references were not cited for the adhesive composition but instead for employing a nip roller for controlling the bonding pressure when forming a carpet. Accordingly, Applicants submit that combination of references does not teach or suggest the presently claimed method of making a carpet composed of a primary backing, a secondary backing and an adhesive consisting essentially of ethylene methyl acrylate copolymer or a ethylene normal butyl acrylate copolymer and a second distinct polymer as specified in Applicants claimed invention.

Claims 11, 14, 17, and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over Taft et al. in view of PCT 98/38376 or PCT 98/38375 in view of Ballard and further taken in view of McGraw-Hill Dictionary of Scientific and Technical Terms as above and further in view of Kerr (U.S. 6,428,873). Applicant submits that the amendment to claims 9 and 15 overcomes this rejection.

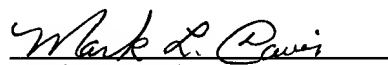
As discussed above, the combination of Taft et al. in view of PCT 98/38376 or PCT 98/38375 and in view of Ballard further taken in view of McGraw-Hill Dictionary of Scientific and Technical Terms do not teach or suggest a method of making a carpet composed of a primary backing, a secondary backing and an adhesive consisting essentially of ethylene methyl acrylate copolymer or a ethylene normal butyl acrylate copolymer and a second distinct polymer as specified. Applicants submit that Kerr does not motivate one skilled in the art to modify Taft et al., PCT '376, PCT '375 or Ballard, alone or in any combination to derive Applicants' presently claimed invention. As to the teaching of Kerr, Applicants agree that Kerr teaches the use of a rubber covered nip roll under a predetermined pressure for joining the various layers of the mat together. Kerr teaches that using a soft roller having a Shore A hardness of between about 40 and about 80 permits the nip roll to deform around the higher profile tufted areas of the mat material, thereby tending to equalize the pressure distribution as the composite is passed through the nip between the rolls. However, Kerr does not overcome the deficiencies of the combination of references as discussed above with regard to the adhesive material utilized in making the carpet.

Accordingly, Applicants submit that claims 11, 14, 17, and 20 are distinguishable over Taft et al. in view of PCT 98/38376 or PCT 98/38375 and in view of Ballard and further taken in

view of McGraw-Hill Dictionary of Scientific and Technical Terms and further in view of Kerr and request that the 35 U.S.C. § 103(a) rejection be withdrawn.

Applicants respectfully submit that claims 9-20 are now in condition for allowance and request the examiner to withdraw the earlier rejection and pass the application to allowance at the examiner's earliest convenience.

Respectfully submitted,

A handwritten signature in cursive script, reading "Mark L. Davis", is written over a horizontal line.

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